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Combining agency goals to meet wildlife

COMBINING AGENCY GOALS TO MEET WILDLIFE NEEDS AND MANAGE OIL AND GAS RESOURCES
IN ALASKA

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MANUSCRIPT

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INTRODUCTION

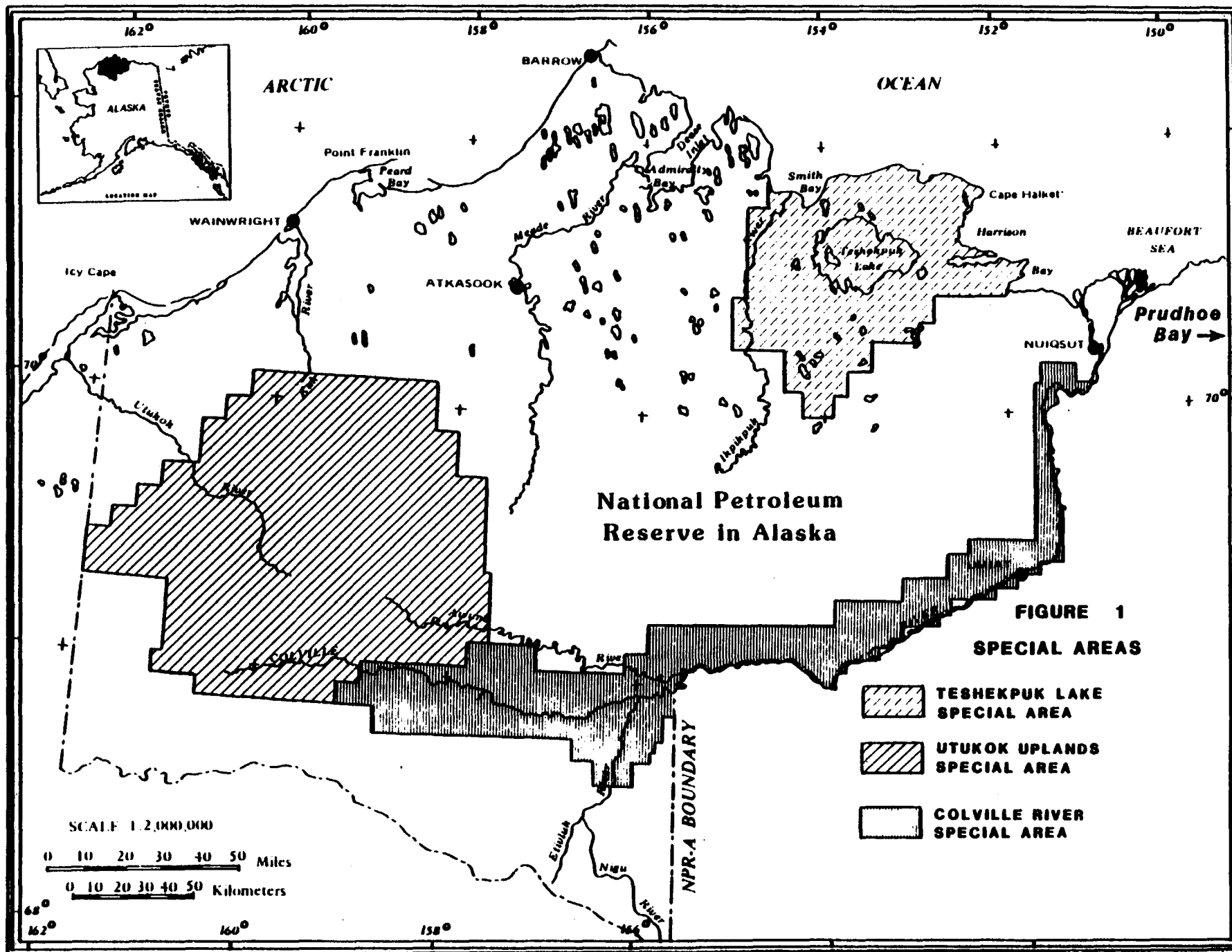
Historical Background

The U.S. Bureau of Land Management (BLM) in Alaska recently completed an intensive effort to combine the goals of BLM, U.S. Fish and Wildlife Service, the State of Alaska, and the North Slope Borough to attain mutually acceptable decisions for managing certain oil and gas resources, biological values, and subsistence opportunities in northern Alaska. The area in question was the

Teshekpuk Lake Special Area within the 23-million acre (56.83-million-ha) National Petroleum Reserve in Alaska (Figure 1).

The National Petroleum Reserve was originally set aside in 1923 as Naval Petroleum Reserve Number 4. It was placed under the jurisdiction of the U.S. Navy for the purpose of finding and producing oil for the Navy. The Naval Petroleum Reserves Production Act of 1976, PL 94-258, changed the name of the Reserve, and awarded management to the Secretary of the Interior. The act recognized both oil and gas potential in the Reserve and high wildlife values associated with the Teshekpuk Lake area.

The Secretary of the Interior in 1977 designated three special areas within the Reserve because of significant subsistence, recreational, and fish and wildlife values. These special areas were the Teshekpuk Lake, Utukok Uplands, and Colville River Special Areas (Figure 1). Section 104 of the Act specifically provided that any oil and gas exploration within the Teshekpuk Lake Special Area, and any other areas designated by the Secretary, "shall be conducted in a manner which will assure the maximum protection of such surface values to the extent consistent with the requirements of this act for the exploration of the reserve." Conversely, the Act also required an expeditious program of competitive oil and gas leasing. BLM responded by developing an environmental impact statement (EIS) that was completed in 1983 (U.S. Bureau of Land Management 1983a).



To protect the wildlife resources while allowing oil and gas leasing, the EIS, through its Record of Decision (U.S. Bureau of Land Management 1983b) adopted stipulations to protect wildlife values and deleted leasing in parts of the Teshekpuk Lake Special Area. Oil industry interest has been concentrating in northern Alaska since the huge oil and gas discovery was made at Prudhoe Bay in the late 1960's. More recent offshore discoveries nearby also indicate high potential along the northern coastal area of Alaska. The Teshekpuk Lake Special Area received the highest number of industry nominations for future oil and gas leasing in the reserve, because of the westward progression of oil and gas development. Notably, Prudhoe Bay was developed first, then the Kuparuk oil field was developed farther west. The Teshekpuk Lake Special Area is less than 75 miles (46.60 km) west of Kuparuk.

After the final EIS was published and leasing schedules were proposed, an unexpectedly high degree of apprehension was expressed by the public on decisions involving the Teshekpuk Lake Special Area. One of the biggest concerns was for waterfowl, particularly Pacific black brant, Branta bernicla nigricans. This concern was expressed Nationwide, but especially by people along the western coastal States. The concern centered on possible habitat loss, due to oil and gas development, which could accelerate the decline of populations that are already low. Out of a desire to give appropriate attention in response to this concern, the Bureau of Land Management elected to reconsider the decisions about the special area, and developed a new

approach to a study process. Thus, BLM initiated the Teshekpuk Lake Special Area Study in 1984. The focus was to consider leasing where there is recognized potential for oil and gas, yet not compromise biological values or subsistence uses. The special study was undertaken to protect wildlife values beyond the level afforded by the EIS, which dealt with the entire reserve and had less specific analysis than could be accomplished in a special study. Furthermore, this special study effort was intended not only to invite public and agency comment, but to go beyond this standard and secure working involvement of key land and resource managers and owners. In the past, other agencies have always been invited to review and comment (consistent with the National Environmental Policy Act), and on occasion have been involved in helping to write descriptions of the environment. However, this study effort is the first time other agencies have been involved in the planning process to the extent of participating actively in developing alternatives and recommendations, and participating in the decision-making process itself.

The U.S. Fish and Wildlife Service was a key agency because of its responsibility for migratory waterfowl welfare and regulation. The State was equally important, as the land manager and owner and custodian of wildlife in Alaska. The North Slope Borough, with a recently completed land use plan corresponding to its coastal zone management responsibilities for the area, was also a key manager, as well as land owner.

BLM secured active participation in the development of the study by means of memorandums of understanding in which the agencies formally agreed to active involvement. In 1984, a memorandum was signed by the U.S. Fish and Wildlife Service and a separate one was signed with the State (U.S. Fish and Wildlife Service and State of Alaska 1984). A verbal commitment to participate was obtained from the North Slope Borough. Several public meetings were held to encourage the public and industry to comment and provide information.

The U.S. Fish and Wildlife Service and the State of Alaska were enthusiastic about being brought into the Bureau's decision-making process. The North Slope Borough was also highly interested. Representatives of the petroleum industry were involved in early stages of the study, but it was mandatory to exclude them from part of the process, which involved use of proprietary information.

Industry officials protested that without representation the process was weighted on the environmental side. However, they did acknowledge that the Bureau of Land Management is a multiple-use agency with personnel trained specifically in the collection and analysis of mineral information and in management of mineral resources, as well as biological resources.

The study was designed to map (as specifically as possible), analyze, and weigh surface resource values in relation to potential subsurface values. This allowed for the best possible decisions for management of all values within the Teshekpuk Lake Special Area, consistent with Congressional intent.

The Area

The Teshekpuk Lake Special Area contains a total of approximately 1,735,000 acres (4,287,185 ha), which is approximately 10 percent of the Alaskan Arctic coastal plain. About 32 percent of the area is water—primarily shallow lakes. Approximately 10,000 acres (24,710 ha) of the area is privately owned by Native allotment holders and corporations, with the remaining 1,725,000 acres (4,262,475 ha) under the management of BLM (Mellor et al. 1985).

The priority species within this study were waterbirds, particularly Pacific black brant, and caribou, Rangifer tarandus. Other goose species specifically evaluated were white-fronted goose, Anser albifrons, Canada goose, Branta canadensis, and snow goose, Anser caerulescens. Populations of these four goose species are depleted and decreasing worldwide. The Teshekpuk Lake Special Area has long been considered to be one of the most productive, diverse, and sensitive wetland ecosystems in Arctic Alaska. Compared with the rest of the National Petroleum Reserve, the area has approximately six times the average density of geese, five times the average of tundra swans, three

times the average of shorebirds, and twice the average of ducks and loons (U.S. Geological Survey 1979). This special area has greater concentrations of molting geese than any other area in North America and Eastern Siberia. In particular, more than 20 percent of the world's population of Pacific black brant use the Teshekpuk Lake Special Area during the critical molting stage of their life cycle (Derksen 1978). With such a large seasonal concentration of black brant, as well as thousands of other waterfowl and shorebirds, unwise management of oil and gas development activities could result in significant impacts. The area also has crucial habitat for a caribou herd of approximately 11,000 to 12,000 animals that are year-round occupants (Reynolds 1982). In addition, the special area is used as a subsistence hunting and fishing area by the residents within the region, mainly from the villages of Barrow and Nuiqsut.

BLM set up a unique four-phase process designed not only to involve the major parties, but to involve field, middle, and top agency levels.

FOUR-PHASE STUDY

The first three phases of the study provided for multi-agency participation that consisted of: field level evaluations by staff specialists, recommendations and alternatives by managers, consultation and deliberation of agency chief executives with the BLM State Director, and the State Director's decision. In the fourth phase, BLM used the State Director's decision to develop an implementation plan.

Phase I - Habitat and Mineral Evaluations

Habitat Evaluation

In the Habitat Evaluation (Mellor, et al. 1985), all sensitive or crucial biological values were described and geographically delineated; criteria were developed for use in avoiding impacts. The Habitat Evaluation delineated crucial goose (particularly black brant) molting, nesting, and staging habitat; identified crucial caribou habitat (such as calving grounds and insect relief areas); discussed important subsistence uses; and identified fisheries resources.

Separate zones requiring different levels of protection were displayed on maps. The higher the biological value of a zone, the greater the need for protection. These zones were based mostly on seasonal population densities and sensitivity to oil and gas development for species of high interest. The focus on zones facilitated comparisons of risk that would be expected to occur from possible oil and gas development. This provided for understanding of where protection and conflict resolution would be needed most, because the higher the biological value the greater the potential for conflicts.

Mineral Evaluation

The Mineral Evaluation was designed to ensure that the decisions being made were based on the latest and best mineral information possible. This made it necessary to use confidential information obtained from private companies. Therefore, two documents were required, one public (Mellor and Menge 1985a) and one confidential (Mellor and Menge 1985b), because BLM is prohibited by law from divulging proprietary information. The public document only provided a general evaluation of different oil and gas potential, but the confidential document displayed specific oil and gas prospects.

This evaluation provided three kinds of information to the decision makers: the oil and gas potential of the study area, surface impacts associated with petroleum development, and information on economic trends and marketability.

The Mineral Evaluation discussed the location, size, and development potential of oil and gas prospects; the facilities and equipment necessary to develop oil and gas; the lack of available gravel for construction and the alternative use of sand; the use of technology to reduce impacts; recent energy developments and impacts in the area; and evaluations of energy economics.

Phase II - Recommendations and Alternatives

This was an analysis of the Habitat and Mineral Evaluations. During this phase, a task group of seasoned managers from the BLM, U.S. Fish and Wildlife Service, and the State of Alaska deliberated four days to weigh mineral and biological values. This multi-agency task group was provided with specific confidential oil and gas information, and the participants signed statements to maintain data confidentiality.

The goal was to reach consensus on a range of alternatives, recommendations, and protection criteria that optimized the exploration and development of petroleum resources while providing appropriate consideration for and protection of crucial biological values and subsistence opportunities.

A facilitator led the task group in analyzing the areas of conflict. Each manager on the task group, as a representative of a different agency, carried his own idea of the perceived importance of biological versus mineral values, based on his agency's charter. Maps from the Habitat and Mineral Evaluation were overlaid. Those areas within high oil and gas potential overlying high biological values displayed areas of concern and conflict, requiring the most resolution. There was little overlap of significantly high values, since the oil and gas values were low compared with biological values.

Phase II was highly successful, as consensus was reached on a range of alternatives, recommendations, and protective criteria to be considered in the next phase.

These alternatives, recommendations and criteria were described and presented in a document, the Teshekpuk Lake Special Area Study Phase II Recommendations and Alternatives (October 3, 1985).

Phase III - State Director's Decision

As part of this phase, a panel including the BLM State Director and other agency chief executives from the North slope Borough, U. S. Fish and Wildlife Service, and State of Alaska attended a public meeting in Anchorage. The object was to obtain testimony from the public and industry, then use it to appropriately temper agency concerns when providing consultation to the State Director during final Phase III discussions. Following the public meeting, the panel reconvened. They found there was consensus on the recommendations and protective criteria. The chief executives, however, were split on the choice of any one alternative, but consensus was reached that a decision should come from within the range of alternatives.

Ultimately, the State Director had to resolve the debated positions which favored different alternatives, and arrive at a reasonable decision based on his own best judgment. The State Director's decision (Penfold 1986) is as follows:

Leasing

One and one-half townships will be offered for lease in upcoming lease sales for the National Petroleum Reserve in Alaska.

Other areas will not be reconsidered for leasing for approximately seven years unless the following criteria are met:

- o Studies show the areas are no longer critical to the life cycle of caribou, black brant and National species of special interest as listed by the U. S. Fish and Wildlife Service; or,
- o Analogous situations have demonstrated a high degree of compatibility with calving caribou, molting black brant and National species of special interest as listed by the U. S. Fish and Wildlife Service; or
- o New or improved resource estimates or Department of Interior directives establish that potential oil and gas values outweigh potential environmental losses.

Habitat Protection

Any use authorization permits will include rigorous stipulations to protect species of special interest and their habitats.

Any major action (i.e., pipelines, powerlines, oil production facilities, etc.) is outside the scope of this study and would require an EIS.

BLM will initiate cooperative efforts with the Federal Aviation Administration to identify a pilot alert on aeronautical charts to minimize use of flight altitudes below 4,000 feet (1,219.2 m) over crucial black brant molting and staging areas during sensitive seasons.

The Teshekpuk Lake region was designated as a special area by the Secretary of the Interior. Although this designation may have greater emphasis than an Area of Critical Environmental Concern (ACEC), BLM will initiate a process to determine the appropriateness of an ACEC designation to increase the public and agency awareness of the special values in the area.

Development of Studies

BLM will cooperatively pursue studies that would provide better future resource estimates and management.

BLM will encourage continued mineral and biological data collecting efforts (i.e., winter seismic exploration and independent biological investigations).

Coordinated Management

BLM will initiate discussions to align management objectives and coordinate management practices with those of the Arctic Slope Regional Corporation. To achieve this goal, the BLM will initiate efforts with the Corporation to investigate the mutual advantages of exchange, acquisition, or memorandum of understanding for Cape Halkett lands.

Phase IV - Habitat Management Plan

A habitat management plan is not a decision document, but is the Bureau's formal action plan for carrying out specific projects and activities to benefit wildlife species and their habitats. The process of preparing a habitat management plan to carry out the State Director's decisions (Phase III) on the Teshekpuk Lake Special Area is now in progress.

The Habitat Management Plan has two parts. The first is the general framework reflecting the State Director's decisions; it directs, or shapes, all future work designs. This part has been completed (Mellor and Silva 1986). The second part is dynamic, designed for flexibility to allow timely responses to issues and needs; it is strictly activity-and-project oriented and will be continually updated and expanded through individual projects and activities. These will be added to the appendix as studies and new information reveal opportunities, or needs for habitat improvement or maintenance.

CONCLUSION

The innovative approach of directly involving major interested agencies and land owners was generally successful. The Bureau would have preferred to have achieved a 100 percent agreement on what to lease. This did not occur. Nevertheless, this approach was remarkable because it conclusively demonstrated the value of specific information for achieving participant consensus; because it promoted interagency trust; because it validated the use of development phases which involve various agency levels; and because it promoted a decision which was, by consensus, reasonable.

Early in Phase I, when the special area was considered as a whole, there was strong agreement between the U.S. Fish and Wildlife Service and the State of Alaska that no leasing should be allowed. However, when specific species and specific habitats were considered, a comparison of habitat importance naturally occurred. This automatically resulted in prioritization and assignment of areas of importance. Perceptions changed as the participants were led to consider parts of the whole and to prioritize areas of importance. At this point there was less opposition to leasing in areas of lowest priority. Conversely, there was increasingly determined opposition to leasing within the area of highest priority for wildlife.

With each degree of specificity, discussions became less abstract and people became more sure of their convictions. Furthermore, the more

specifically the Phase I, II and III discussions were oriented, the more closely participants approached consensus. Conversely, the more abstract the discussions, the more strongly polarized the participants became. This emphasizes the importance of specific, accurate information for mineral and biological values. It further shows the need to lead participants into considering the merits of specific parts, rather than debating the abstract, less meaningful, whole.

The concept of securing cooperative participation was productive because the agencies had a document-developing role and shared responsibilities, all of which served to foster perseverance.

Although the goal of achieving consensus about which areas to lease was not reached for all the public interests represented, the study did achieve consensus on recommendations for protection of biological values and on the range of leasing alternatives to be considered by the BLM State Director.

Perhaps the greatest value of this study came from making agency participants aware of the Bureau's decision-making process and aware of BLM's multiple-use management doctrine. Consensus was that it was a good process that would be highly desirable for use in future planning efforts.

Ultimately, the State Director had to resolve the debated positions which favored different alternatives; and he arrived at a reasonable decision, as

acknowledged by all participants. He directed what area to lease, gave specific measures to protect habitat, outlined necessary study parameters, and implied general and particular coordination needs.

COLVILLE RIVER SPECIAL AREA STUDY

Due to the special area designations described by the Secretary of the Interior (1977), the Bureau of Land Management has programmed separate special studies for Teshekpuk Lake, Colville River, and Utukok Uplands. These efforts will be an integral part of continued specific planning and management for the entire National Petroleum Reserve in Alaska in the 1990's.

The special study will facilitate energy transportation through, and possible oil and gas development within, the Colville River Special Area. However, the primary goal is to sustain a secure upward peregrine falcon population trend and accomplish recovery, then to delist, consistent with the intent of the Endangered Species Act.

The Colville River Special Area Study will be the BLM's second special study and is a sequel to the process presently under way for the Teshekpuk Lake Special Area. The Colville effort will follow a similar intensity of effort and time frames. Both are guided by the same legislative mandates, although the Endangered Species Act has direct bearing on the Colville Special Study because of the Arctic subspecies and peregrine falcon, Falco peregrinus tundrius, which use the special area.

The Colville River has the largest concentration of nesting pairs of the Arctic Subspecies of peregrine falcon in the world. This subspecies is

officially listed as Threatened. Presently the BLM is adhering to general stipulations outlined in the Peregrine Falcon Recovery Plan (U.S. Fish and Wildlife Service 1983) that the U.S. Fish and Wildlife Service, BLM, and other Federal and State agencies helped develop for protection of the Alaskan peregrine falcon populations. These stipulations presently appear to be adequate for the protection of peregrine falcon.

The priority species for the Colville River Special Study Area are peregrine falcon; moose, Alces alces; fish; caribou; and grizzly bear, Ursus arctos. There are also important paleontological and archeological values, and important uses including recreation and subsistence.

The mineral values are high value prospects for oil and gas along the Colville River. Considering the mineral, biological, and other values, the BLM feels resolution of potential conflicts requires another special study effort.

The Colville River Special Area Study will consist of four phases similar to those of the Teshekpuk Lake Special Area Study. Within each of the four phases, the Bureau of Land Management will actively seek public, State and local government, and other Federal agency participation and consultation. Memorandums of understanding will again be used to secure active involvement of key land and species managers.

The analysis of habitat and mineral values combined with economic considerations should indicate future possibilities for gravel and petroleum development and important potential transportation corridor needs, along with necessary protection criteria for peregrine falcon, fish, wildlife, archeological, recreational, paleontological and subsistence values.

The Colville River Special Area Study is scheduled for completion in 1987. It will involve consideration of the area for possible nomination as the Nation's second Birds of Prey National Area.

ACKNOWLEDGEMENTS

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ABSTRACT

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One of the greatest challenges facing a land and resource managing Federal agency is making decisions for areas where various groups of people perceive conflicts between resource values. The need to make such decisions faced the Alaska State Office of the Bureau of Land Management (BLM) in regard to the Teshekpuk Lake Special Area in northern Alaska. Teshekpuk Lake Special Area lies within the 23-million-acre National Petroleum Reserve in Alaska. The Naval Petroleum Reserves Production Act (1976) recognized oil and gas potential in the Reserve and identified high wildlife values associated with the Teshekpuk Lake Special Area. To protect high values, particularly Pacific black brant, BLM deleted part of the Special Area from leasing through an environmental impact statement in 1983. The Teshekpuk Lake Special Area Study was subsequently initiated (1984) to address specific management needs. In

dealing with this challenge, BLM-Alaska devised a special study that served as the focus for arriving at consensus among Federal agencies and other land managers and landowners. Formal and verbal understandings were used by BLM to secure active participation. The special study was divided into phases to ensure step-by-step progress and exchange. Field-level specialists described biological values and mineral resources. A task group of managers provided a range of alternatives, recommendations, and protective criteria. The BLM State Director and other chief executives listened to public and industry testimony, deliberated in consultation with the State Director; and the State Director made a decision.

The Special Study had a high degree of success because it resulted in active participation in decision-making by key agencies and landowners; it promoted understanding of, and confidence in, the BLM; and it resulted in a decision which was, by consensus, reasonable. Participants unanimously agreed that the concept was good and would be highly desirable for use in future planning efforts.

The success of the study has led BLM into a step-by-step sequel effort for the Colville River. The primary concern is for peregrine falcons that are officially listed as threatened. This special study will support energy transportation through, and possible oil development within, the Colville River Special Area. The goal is to maintain a secure, upward peregrine population trend and accomplish recovery, then to delist, as appropriate, consistent with the Endangered Species Act (1973).